

FILED

JUL 01 2014

SECRETARY, BOARD OF
OIL, GAS & MINING

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF SUMMIT OPERATING,
LLC FOR AN ORDER ESTABLISHING
SECTIONAL (640-ACRE OR SUBSTANTIAL
EQUIVALENT) DRILLING AND SPACING
UNITS FOR THE PRODUCTION OF GAS AND
ASSOCIATED HYDROCARBONS FROM THE
HONAKER TRAIL FORMATION UNDER-
LYING SECTIONS 1, 10-15, AND 22-26,
TOWNSHIP 36 SOUTH, RANGE 24 EAST, SLM,
AND SECTIONS 6, 7, 17-20 AND 30, TOWNSHIP
36 SOUTH, RANGE 25 EAST, SLM, SAN JUAN
COUNTY, UTAH

**MOTION FOR DISMISSAL
WITHOUT PREJUDICE**

Docket No. 2014-019

Cause No. 186-18

Summit Operating, LLC (“Summit”), acting by and through its attorneys, MacDonald & Miller Mineral Legal Services, PLLC, and pursuant to Utah Admin. Code Rule R641-105-300, hereby respectfully requests the Utah Board of Oil, Gas and Mining (the “Board”) to dismiss Summit’s Request for Agency Action in this matter (the “RAA”) without prejudice. Since responsive pleadings were filed in this Cause by Celeste C. Grynberg, a formal dismissal by the Board, rather than a mere voluntary withdrawal by Summit, is required. See, *e.g.*, Utah Rules of Civil Procedure Rule 41(a).

Dated this 1st day of July, 2014.

**MACDONALD & MILLER
MINERAL LEGAL SERVICES, PLLC**

By: 

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Attorneys for Petitioner Summit Operating, LLC

RMM:mk
2075.02

CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of July, 2014, I caused a true and correct copy of the foregoing Motion for Dismissal Without Prejudice and *Proposed* Order to be sent electronically and mailed, postage pre-paid, to the following:

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Relma M. Miller, Esq.

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

IN THE MATTER OF THE REQUEST FOR AGENCY ACTION OF SUMMIT OPERATING, LLC FOR AN ORDER ESTABLISHING SECTIONAL (640-ACRE OR SUBSTANTIAL EQUIVALENT) DRILLING AND SPACING UNITS FOR THE PRODUCTION OF GAS AND ASSOCIATED HYDROCARBONS FROM THE HONAKER TRAIL FORMATION UNDERLYING SECTIONS 1, 10-15, AND 22-26, TOWNSHIP 36 SOUTH, RANGE 24 EAST, SLM, AND SECTIONS 6, 7, 17-20 AND 30, TOWNSHIP 36 SOUTH, RANGE 25 EAST, SLM, SAN JUAN COUNTY, UTAH

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

Docket No. 2014-019

Cause No. 186-18

The Board of Oil, Gas and Mining, having fully considered Summit Operating, LLC's ("Summit's") Motion for Dismissal Without Prejudice filed July 1, 2014, and finding good cause therefore, hereby grants said Motion. Summit's Request for Agency Action filed in this Cause is hereby dismissed without prejudice.

For all purposes, the Chairman's signature on a faxed copy of this Order shall be deemed the equivalent of a signed original.

DATED this ____ day of _____, 2014.

**STATE OF UTAH
BOARD OF OIL, GAS AND MINING**

By: _____
Ruland J. Gill, Jr., Chairman